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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CANDICE E.,¹

Case No. 6:20-cv-01082-CL

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

ORDER FOR ATTORNEY FEES UNDER
42 U.S.C. § 406(b)

Defendant.

Plaintiff, Candice E., brought this action for review of the Defendant Commissioner's final decision to deny Plaintiff's application for disability benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-34. ECF No. 1. The Court reversed the Commissioner's decision and remanded this matter for immediate calculation and payment of Plaintiff's benefits. ECF Nos. 14, 15.

¹ In the interest of privacy, this order uses only the first name and the initial of the last name of the non-governmental party or parties in this case.

Plaintiff now seeks an award of attorney fees under 42 U.S.C. § 406(b). ECF Nos. 20, 21. The Court finds that the requested fees are reasonable.

Plaintiff's motion for attorney fees (ECF Nos. 20, 21) is GRANTED. Plaintiff's counsel is awarded \$32,682 in attorney fees under 42 U.S.C. § 406(b). Earlier, the Court awarded Plaintiff attorney fees in the amount of \$11,528.79 under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). ECF No. 19. The Court also awarded Plaintiff EAJA attorney fees of \$10,300.84 in Plaintiff's earlier appeal arising from the same claim, which resulted in a remand for further proceedings. Candice E. v. Berryhill, No. 6:18-cv-01261-YY, ECF No. 20. Plaintiff's counsel confirmed receipt of EAJA attorney fees in those amounts. ECF No. 21. An EAJA award of attorney fees offsets an award under Section 406(b). Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002); Parrish v. Comm'r of Soc. Sec. Admin., 698 F.3d 1215 (9th Cir. 2012). Therefore, when Defendant issues the Section 406(b) check for payment to Plaintiff's attorney, Defendant is directed to subtract the amounts previously awarded under EAJA and pay Plaintiff's attorney, Laurie B. Mapes, the balance of \$10,852.37, less any applicable processing fees prescribed by statute. The Section 406(b) check should be mailed to Laurie B. Mapes at her address registered with the agency or to P.O. Box 1241, Scappoose OR 97056.

IT IS SO ORDERED.

DATED this 17 day of May, 2023.



MARK D. CLARKE
United States Magistrate Judge

SUBMITTED BY:

/s/ Laurie B. Mapes

Laurie B. Mapes

OSB #841670

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Attorney for Plaintiff